

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAMES C. STRADER,

Plaintiff,

v.

CASE NO. 21-3275-SAC

STATE OF KANSAS, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on plaintiff's combined motion to appoint federal prosecution [sic] for criminal charges and motion to dismiss without prejudice (Doc. 12).

Plaintiff's motion to appoint federal prosecutors to pursue unspecified criminal charges is denied. The decision to pursue criminal charges rests with prosecuting authorities and cannot be initiated by a private citizen. See *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) ("A private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another."); see also *Winslow v. Romer*, 759 F. Supp. 670, 673 (D. Colo. 1991) ("Private citizens generally have no standing to institute federal criminal proceedings").

Plaintiff also moves to dismiss this matter without prejudice. The court construes this as a motion filed under Rule 41(a) of the Federal Rules of Civil Procedure and finds the motion should be granted.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion to appoint federal prosecution and motion to dismiss (Doc. 12) is denied in part and granted in part. The motion to appoint federal prosecution

is denied. Plaintiff's motion to dismiss this matter without prejudice is granted.

IT IS SO ORDERED.

DATED: This 21st day of December, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge